

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

SEIFULLAH CHAPMAN,

**Movant,**

**v.**

UNITED STATES OF AMERICA,

**Respondent.**

1:03-CR-296 (LMB)

**1:16-CV-512 (LMB)**

ORDER

Seifullah Chapman (“movant” or “Chapman”) through counsel, has filed an Emergency Motion for Release Pending the Court’s Disposition of Movant’s Motion to Vacate Pursuant to 28 U.S.C. § 2255 [Dkt. No. 816], May 12, 2016, in which he argues that the likelihood of succeeding on his pending second and successive § 2255 motion, coupled with the amount of prison time he has already served and his serious, life-threatening medical issues, which the Bureau of Prisons appears to have had trouble managing justify an order releasing him from custody at this time.

This motion warrants a response by the government in light of the Fourth Circuit’s decision on May 3, 2016 to authorize movant to file a successive motion under 28 U.S.C. §§ 2255(h)(2) and 2244(b)(2)(A) and the developing case law surrounding the applicability of Johnson v. United States, 135 S. Ct. 2551 (2015) to the “crime of violence” provision in 18 U.S.C. § 924(c)(1)(a) and the identically worded provision in 18 U.S.C. § 16(b). See United States v. Gonzalez-Longoria, 813 F.3d 225, 227 (5th Cir. 2016) (invalidating 18 U.S.C. § 16(b) in light of Johnson); United States v. Vivas-Ceja, 808 F.3d 719, 720 (7th Cir. 2015) (same); Dimaya v. Lynch, 803 F.3d 1110, 1111 (9th Cir. 2015) (same); but see United States v. Taylor, 814 F.3d 340, 379 (6th Cir. 2016) (holding that Johnson’s reasoning does not extend to 18 U.S.C. § 924(c)(1)(a)). In addition, the


Supreme Court recently granted certiorari, vacated judgment, and remanded for reconsideration in light of Johnson a Sixth Circuit case in which a defendant received a mandatory minimum sentence under 18 U.S.C. § 924(c)(1)(A) for using or possessing a firearm in furtherance of a “crime of violence.” United States v. Richardson, 793 F.3d 612, 618 (6th Cir. 2015), cert. granted, judgment vacated, 136 S. Ct. 1157 (2016). For all these reasons, it is hereby

ORDERED that within ten (10) days the government file a response to movant’s Emergency Motion for Release Pending the Court’s Disposition of Movant’s Motion to Vacate Pursuant to 28 U.S.C. § 2255.

The Clerk is directed to forward copies of this Order to counsel of record and the United States Attorney for the Eastern District of Virginia.

Entered this 12<sup>th</sup> day of May, 2016.

Alexandria, Virginia

/s/   
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Leonie M. Brinkema  
United States District Judge